

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONA MOURSI,

Plaintiff,

- against -

MISSION ESSENTIAL PERSONNEL and REX
MORFORD,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

10-CV-4169 (KAM) (CLP)

MATSUMOTO, United States District Judge:

On December 23, 2010, Mona Moursi ("plaintiff") filed an Amended Complaint against Mission Essential Personnel and Rex Morford (collectively, "defendants") asserting claims of quid pro quo sexual harassment, hostile work environment, gender discrimination, religious discrimination, and retaliation under Georgia, New York, and Ohio state laws. (*See generally* ECF No. 18, Amended Complaint.)

On March 21, 2011, pursuant to Federal Rule of Civil Procedure 12(b)(6), defendants moved to dismiss the five claims asserted under Georgia state law, specifically Counts Six through Ten, on the grounds that the statute relied upon by plaintiff, Ga. Code Ann. § 45-19-29, only protects public sector employees and does not provide a private right of action. (*See* ECF No. 30, Defendants' Memorandum of Law in Support of Their Motion to Dismiss at 3-5.) Additionally, defendant Morford moved to dismiss all the claims asserted against him pursuant to Federal

Rule of Civil Procedure 12(b)(2) and (5) for lack of personal jurisdiction and insufficient service of process, respectively. (See *id.* at 5-9.) Presently before the court is a Report and Recommendation issued by Magistrate Judge Cheryl L. Pollak on February 27, 2012, recommending that this court grant defendants' motions to dismiss in their entirety. (ECF No. 57, Report and Recommendation.)

On February 27, 2012, notice of the Report and Recommendation was sent to the plaintiff and the defendants via the court's electronic filing system. As explicitly noted at the end of the Report and Recommendation and on the docket entry for the Report and Recommendation, any written objections to the Report and Recommendation were to be filed within fourteen (14) days of receipt of the Report and Recommendation, or by March 15, 2012. (Report and Recommendation at 17; Docket Entry dated February 27, 2012); see 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The statutory period for filing objections has expired, and no objections to the Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only

satisfy itself that that there is no clear error on the face of the record.” *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a review of the Report and Recommendation, and considering that the parties have failed to object to any of Magistrate Judge Pollak’s thorough and well-reasoned recommendations, the court finds no clear error in the Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court.

Accordingly, for the reasons set forth in Magistrate Judge Pollak’s Report and Recommendation, the court (1) grants defendants’ motion to dismiss Counts Six, Seven, Eight, Nine, and Ten of the Amended Complaint, which allege claims under Ga. Code Ann. § 45-19-29, and (2) grants defendant Morford’s motion to dismiss all claims in the Amended Complaint as against him for lack of personal jurisdiction and insufficient service of process. The parties shall appear before Magistrate Judge Pollak at the conference scheduled for March 28, 2012 at 11:00 AM. (See Minute Entry dated January 11, 2012.)

SO ORDERED.

Dated: March 27, 2012
Brooklyn, New York

/s/
Kiyo A. Matsumoto
United States District Judge